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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARITZA C. FORDE,) Case No. EDCV 10-00130 DDP (MANx)
)
Plaintiff,) **ORDER GRANTING DEFENDANTS'**
) **MOTIONS TO DISMISS**
v.) [Motions filed on March 17, 2010]
)
FEDERAL HOME LOAN MORTGAGE)
CORPORATION, an unknown)
business entity; FIRST)
MAGNUS FINANCIAL)
CORPORATION, an Arizona)
Corporation; AURORA LOAN)
SERVICES, LLC, an unknown)
business entity,)
)
Defendants.)
)

This matter comes before the Court on motions to dismiss for failure to state a claim filed by the defendants the Federal Home Loan Mortgage Corporation and Aurora Loan Services, LLC. (Dkt. Nos. 8 & 9.) After reviewing the papers submitted by Defendants, the Court GRANTS the motions and adopts the following Order.

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1 On October 14, 2009, Plaintiff filed suit against Defendants
2 in Los Angeles Superior Court. Plaintiff alleges that after
3 Defendants prevailed in an unlawful detainer action against her,
4 she filed for bankruptcy, thereby staying any actions against her.
5 She alleges that Defendants violated the automatic stay provision
6 of the bankruptcy code, 11 U.S.C. § 362(a), "by proceeding with a
7 lockout of the subject property while the automatic stay was in
8 effect." (Compl. ¶ 21.) Plaintiff also alleges a cause of action
9 for fraud relating to closing costs and fees incurred as part of a
10 residential mortgage transaction. (Id. ¶ 25.) On January 26,
11 2010, Defendants removed. Defendants filed the pending motions to
12 dismiss on March 17, 2010, which were set for a hearing on April
13 12, 2010.

14 Central District of California Local Rule 7-9 requires that
15 the non-moving party must file either an opposition or a statement
16 of non-opposition to the motion by no later than twenty-one days
17 before the date designated for the hearing of the motion. C.D.
18 Cal. Local R. 7-9. Local Rule 7-12 provides that "[t]he failure to
19 file any required paper, or the failure to file it within the
20 deadline, may be deemed consent to the granting or denial of the
21 motion." C.D. Cal. Local R. 7-12. Pursuant to the local rules,
22 Plaintiff's oppositions to Defendants' motions were due no later
23 than March 22, 2010. As of the date of this Order, Plaintiff has
24 not filed any response to Defendants' motions. The Court construes
25 Plaintiff's failure to oppose the motions as consent to granting
26 the motions.

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1 For the foregoing reasons, the Court GRANTS the motions to
2 dismiss filed by Defendants and DISMISSES WITH PREJUDICE
3 Plaintiff's Complaint.
4 IT IS SO ORDERED.

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7 Dated: April 14, 2010


DEAN D. PREGERSON
United States District Judge